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| 10/649,966      | 08/26/2003  | Shigeru Hiroki       | 1232-5116           | 7073             |

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EXAMINER

KHAN, USMAN A

ART UNIT PAPER NUMBER

2622

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/649,966

Applicant(s)

HIROKI, SHIGERU

Examiner

Usman Khan

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

The information disclosure statement (IDS) submitted on 08/16/2004 has been considered by the examiner. The submission is in compliance with the provisions of 37 CFR 1.97.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Enright et al. (US patent No. 6,583,813).

Regarding **claim 1**, Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22;

Art Unit: 2622

set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); and transmitting means for transmitting, by electronic mail, the sensing condition when the image was sensed by said sense means (column 36, lines 32 *et seq.*; emails may also include information about the nature of the triggering event).

Regarding **claim 2**, Enright et al. discloses the apparatus according to claim 1, wherein said transmitting means transmits electronic mail having information indicating the sensing condition added to a message portion (figures 62 - 72; trigger/event type).

Regarding **claim 3**, Enright et al. discloses the apparatus according to claim 1, wherein said transmitting means transmits electronic mail having information indicating the sensing condition added to a subject portion (figures 62 - 72; trigger/event type).

Regarding **claim 4**, Enright et al. discloses the apparatus according to claim 1, wherein said transmitting means transmits the sensing condition together with the image sensed by said sense means (figures 61 - 72; trigger/event type).

Regarding **claim 5**, Enright et al. discloses the apparatus according to claim 1, wherein the sensing condition set by said setting means includes any one of a specific time (figure 72), a predetermined elapsed time (figure 56 and paragraph column 34 lines 19 *et seq.*), sensor detection by an external sensor (figures 62 - 72; trigger/event

type), detection of a sound level higher than a predetermined level (column 39 lines 16 *et seq.*; sound detection from microphone detecting stress levels of the sound), and operation of a sensing button (column 40 lines 27 - 39;panic button).

Regarding **claim 6**, Enright et al. discloses the apparatus according to claim 1, wherein said transmitting means can transmit image stored in an external memory (figure 10 and column 28 lines 51 *et seq.*; image from image server, this image also including image data), and also transmits, when transmitting image stored in the external memory, information indicating that the transmitted image is an image that has been stored in the external memory (figure 10 and column 28 lines 51 *et seq.*; image from image server, this image also including image data).

Regarding **claim 7**, Enright et al. discloses the apparatus according to claim 1, wherein said transmitting means transmits time information indicating a time at which the image was sensed by said sense means, together with the sensing condition (figures 62 - 72; trigger/event type and capture time).

Regarding **claim 8**, Enright et al. discloses the apparatus according to claim 1, further comprising transfer means for transferring the image sensed by said sense means to a server connected to a network (figure 10; image server, network), wherein said transmitting means transmits link address information for specifying the image transmitted to the server, together with the sensing condition (figures 62 - 72; image

Art Unit: 2622

name which can be used as a link for the image and the trigger/event type included in the transfer of the image).

Regarding **claim 9**, Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22; set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); and transmitting means for transmitting, by electronic mail, information associated with a time at which the image was sensed by said sense means (column 36, lines 32 *et seq.*; emails may also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer).

Regarding **claim 10**, Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22; set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); and electronic mail creating means for creating to which the sensing condition under which the image was sensed by said sense means is added (column 36, lines 32 *et seq.*; emails may also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer).

Regarding **claim 11**, Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22; set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); and electronic mail creating means for creating electronic mail to which information associated with a time at which the image was sensed by said sense means is added (column 36, lines 32 *et seq.*; emails may also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer).

Regarding **claim 12**, Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to a predetermined input such as the sensing condition stored); and a transmitting step of transmitting, by electronic mail, the sensing condition when the image was sensed in the sensing step (column 36, lines 32 *et seq.*; emails may also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer also it is inherent that this trigger and capture time will be recognized in accordance to a predetermined input such as the sensing condition stored).

Regarding **claim 13**, Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to a predetermined input such as the sensing condition stored); and a transmitting means of transmitting, by electronic mail, information associated with a time at which the image was sensed in the sensing step (column 36, lines 32 *et seq.*; emails may also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer also it is inherent that this trigger and capture time will be recognized in accordance to a predetermined input such as the sensing condition stored).

Regarding **claim 14**, Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to a predetermined input such as the sensing condition stored); and an electronic mail creating step of creating electronic mail, to which the sensing condition when the image was sensed in the sensing step is added (column 34 lines 8 – 18; it is inherent that this



electronic mail will be created in accordance to a particular event determined in accordance to a predetermined input such as the sensing condition stored).

Regarding **claim 15**, Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to a predetermined input such as the sensing condition stored); and an electronic mail creating step of creating electronic mail to which information associated with a time at which the image was sensed in the sensing step is added (column 34 lines 8 – 18; it is inherent that this electronic mail will be created in accordance to a particular event determined in accordance to a predetermined input such as the sensing condition stored also as seen in figure 68 the capture time is included in the transfer).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Monroe (US patent No. 6,392,692) teaches transferring sensing conditions via e-mail.


Endsley et al. (US patent No. 7,034,880) teaches transferring sensing conditions via a new work.

Ogasawara (US PgPub 2002/0167587) teaches transferring sensing conditions via a new work.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Usman Khan  
10/30/2006  
Patent Examiner  
Art Unit 2622

  
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